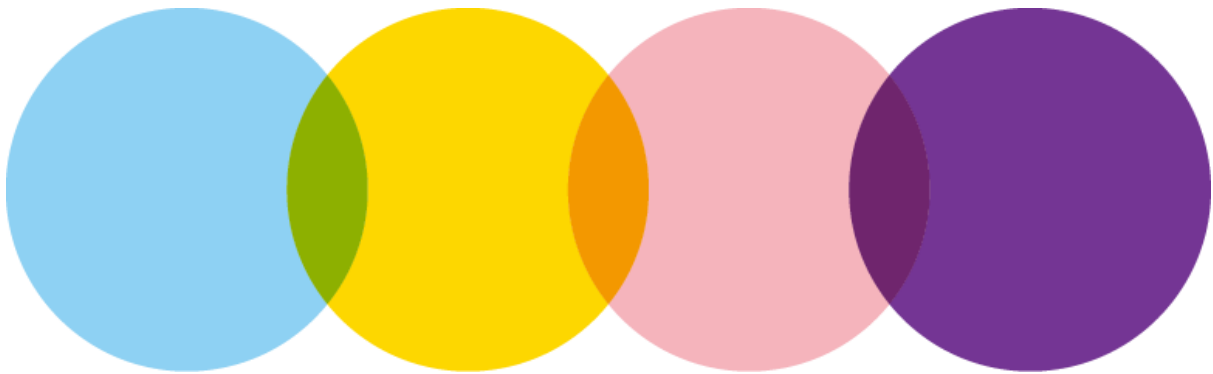


Trans, intersex and non-binary people at work in Croatia: A national report



INCLUSION 4ALL

TRANS, INTERSEX AND NON-BINARY PEOPLE AT WORK

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Croatia at a glance: an introduction

- **The legislative framework in the Republic of Croatia provides good protection of transgender rights in theory; these protections do not extend to non-binary and intersex people.**
- **Comprehensive research of the issue in Croatia remains lacking where trans, non-binary and intersex people are concerned, however, there has been research into LGB workplace issues.**
- **The Croatian state offers no services specific to the needs of trans, non-binary and intersex people at work and the support is provided mostly by CSOs and, in rare cases, by more progressive HR professionals.**
- **The Inclusion4All research results show that, on the one hand, HR professionals and employers struggle with basic gender and sexuality terminology, while trans, non-binary and intersex workers are not familiar with their rights.**

Despite the fact that discrimination at work and in the labour market is prohibited in the Republic of Croatia, research and experiences, as well as the complaints of LGBTIQ persons to organisations, reveal the existence of discrimination and harassment. This suggests that some employers do not respect the prohibition of discrimination and their obligation to protect the dignity of workers; that the labour rights of LGBTIQ persons are often violated, and that the safeguards against discrimination are insufficiently used.

Similar to discrimination on other grounds, one of the main motives for not using the protective mechanisms is the fact that LGBTIQ persons are afraid of losing their jobs, having their wages reduced, and withstanding arbitrary actions on part of their superiors, which is even more present in times of economic crisis and high unemployment. Due to the fear of many LGBTIQ individuals for their status within their professional setting and for their own employment, they are not inclined to publicly express their sexual and/or gender identity in the majority of professions, which fact negatively affects their dignity, work performance and mental health.

The above issues are all the more apparent in the case of transgender and non-binary workers and job seekers, who are particularly reluctant to come out to their (potential) employers and coworkers. Traditionally precarious workers, transgender people will often delay their social and/or medical transition in order to hold onto a job, or will opt to 'go stealth' in the workplace as a means of shielding themselves from harassment. The situation is further complicated for non-binary workers by the fact that Croatian is far from gender-neutral as a language and will inadvertently force unsuitable differentiation on non-binary experiences or erase them outright, even in the most inclusive of environments.

Intersex inclusion is nominal at best and can be an issue in itself, since it often leads to conflating biological variance with gender identity and/or sexual orientation. This generally results in intersex people having to struggle against conventional LGBTQ stigma in addition to the issues specific to not being endosex. Additionally, intersex people are not recognised, much less protected, by the Croatian legislation.



1. Legal and policy framework

The Republic of Croatia has developed a legal and policy framework with the aim of promoting and protecting LGBTIQ rights, and a system of cross-linked laws and bylaws at all levels has been established. Despite the fact that the legal framework includes many sources, such as the Constitution of the Republic of Croatia¹, Anti-discrimination Act², Gender Equality Act³, Same-sex Life Partnership Act⁴, Labour Act⁵ (transposition of the European Union directives into the Croatian legal order, particularly Directive

¹ Article 3 of the Constitution of the Republic of Croatia (Ustav Republike Hrvatske, Narodne novine, br. 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01 i 55/01), "Freedom, equal rights, national and gender equality, peace-making, social justice, respect for human rights [...] are the highest values of the constitutional order of the Republic of Croatia and the basis for interpreting the Constitution." Article 14 of the Constitution of the Republic of Croatia, "All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other status. All persons shall be equal before the law."

² Article 1 of the Anti-discrimination Act (Zakon o suzbijanju diskriminacije, Narodne Novine, br. 85/08, 112/12) "provides for the protection and promotion of equality as the highest value of the constitutional order of the Republic of Croatia, creates prerequisites for the realisation of equal opportunities and regulates protection against discrimination on the grounds of race or ethnic affiliation or colour, sex, [...] gender identity, gender expression or sexual orientation."

³ Article 6 of the Gender Equality Act (Zakon o ravnopravnosti spolova, Narodne Novine, br. 82/08, 69/17), "Discrimination on the basis of gender (hereinafter: discrimination) shall mean any normative or real, direct or indirect differential treatment, exclusion or limitation based on one's gender which renders more difficult or denies equal recognition, enjoyment or exercise of human rights of men and women in political, educational, economic, social, cultural, civil and any other sphere of life. 2) Any discrimination on the basis of one's marital or family status and sexual orientation shall be forbidden. 3) Any incitement of another person to discrimination shall be considered an act of discrimination under this Act." Article 13 of the Gender Equality Act, "1) Discrimination in the field of employment and labour shall be forbidden both in the public and private sectors, including in government bodies, when it comes to: 1. requirements for employment, self-employment or carrying out a professional activity, including the criteria and requirements for the selection of candidates for particular jobs in any activity and at all levels of professional hierarchy, 2. promotion at work, 3. access to all types and levels of education, career counselling, vocational training, additional training and retraining, 4. employment and working conditions and all rights that arise from work and are based on work, including equal pay, 5. membership and participation in workers' associations or employers' associations or in any other professional organisation, including privileges arising from such membership. 2) Job vacancies must be advertised in such a way that the advertisement clearly states that persons of both genders may apply for the job."

Article 16 of the Gender Equality Act, "Public display and presentation of any person in an insulting, belittling or humiliating manner, as regards his/her gender and sexual orientation, shall be forbidden."

⁴ <https://www.zivotnpartnerstvo.com/wp-content/uploads/2015/06/same-sex-life-partnership-act-croatia.pdf> Zakon o životnom partnerstvu osoba istog spola, Narodne Novine br. 92/14, 98/19

⁵ <https://mrosp.gov.hr/UserDocsImages/dokumenti/Uprava%20za%20rad/labour-act.pdf> Labour Act. Zakon o radu, Narodne Novine, br. 93/14, 127/17, 98/19

2002/73/EC⁶), and Criminal Code⁷, particularly the Protocol for Procedure in Cases of Hate Crimes⁸, the policy framework itself is underdeveloped in terms of LGBTIQ rights, as are the investments in combating the ever-present discrimination against the LGBTIQ community.

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation has the aim of bringing together several directives on gender equality by simplifying, modernising and improving EU legislation in the field of equal treatment for men and women in employment. The Directive prohibits direct and indirect discrimination between men and women with regard to employment conditions, access to employment and self-employment, dismissals, vocational training and promotion, and membership or involvement in organisations of workers or employers.

The Court of Justice has held that the scope of the principle of equal treatment for men and women cannot be confined to the prohibition of discrimination based on the fact that a person is of one or other sex. In view of its purpose and the nature of the rights which it seeks to safeguard, it also applies to discrimination arising from the gender reassignment of a person.

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation prohibits discrimination in employment and occupation on the basis of - inter alia - sexual orientation, and its coming into effect means that the Republic of Croatia has to take into account cases C-267/06, *Tadao Maruko v Versorgungsamt*, and C-144/04, *Mangold v Helm*, since those are the examples where the European Court of Justice has found that there is a general principle of equal treatment in European Union law, which applies to all discrimination prohibited by law, including discrimination based on sexual orientation and gender identity. In addition to these, there is also case C-147/08, *Jurgen Romer v Freie und Hansestadt Hamburg*, where it was found that homophobic statements themselves are considered discrimination, therefore it is not necessary to find the "victim" and it is enough to link a homophobic statement to a person in a position of power in terms of decision-making when it comes to employment. The implementation of the above has had a major impact on the legal regulation of recognising and sanctioning homophobic statements and outbursts in the workplace.

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32002L0073&from=en>

⁷ Article 325 of the Criminal Code (Kazneni zakon, Narodne Novine br. 144/12, 101/17), "Whoever in print, through radio, television, computer system or network, at a public gathering or in some other way publicly incites to or makes available to the public tracts, pictures or other material instigating violence or hatred directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent, colour, gender, sexual orientation, gender identity, disability or any other characteristics shall be punished by imprisonment not exceeding three years."

⁸ Protocol for Procedure in Cases of Hate Crimes, Office for Human Rights and the Rights of National Minorities. Accessed on November 11, 2021
<https://pravamanjina.gov.hr/UserDocsImages/dokumenti/PROTOCOL%20FOR%20PROCEDURE%20IN%20CASES%20OF%20HATE%20CRIME.pdf>

The *State Registers Act* contains the *Ordinance on the Manner of Collecting Medical Documentation and Determining the Terms and Prerequisites for Sex Reassignment or Life in a Different Gender Identity*, aimed at the transgender community. An outdated model is used and the procedure makes it difficult for transgender people to legally amend their documents and access free health care. Family law mentions transgender people as a circumstance in determining marriage, i.e. life partnership, while non-binary and intersex persons are not recognised in the legal and/or political national framework in Croatia.

2. Previous research on the topic

Before 2017, there were no comprehensive studies done in Croatia with the explicit aim of examining the position and experiences of LGBTIQ people in the workplace. There was also no data on anti-discrimination policies and practices in work organisations in Croatia aimed at protecting the rights and prohibiting discrimination against LGBTIQ people. Two surveys were finally conducted as part of the Workplace Equality for All project⁹, one with employers and the other with LGBTIQ workers.

According to the Workplace Equality for All research, “The data points to a complex and interdependent relationship between legislative bodies, employers, and LGBT employees, which at times takes the form of a catch-22. For example, LGBTI persons are not out in the workplace because they do not feel safe. In order for them to feel safe, we need non-discrimination policies and organizational practices that show openness to LGBTI issues, which employers in Croatia do either rarely or not at all since they deem such policies and practices unnecessary, or they prefer to wait for the initiative from their LGBTI employees. The question of who is going to instigate this interdependent mechanism remains. Change could come from LGBTI employees themselves, who could become more visible in the workplace and signal their needs to their employer, encouraging them to start expressing their openness and awareness of LGBTI topics. The other option would be to wait for the employer to create an inclusive and LGBTI-friendly work environment, which would in turn positively affect the openness of LGBTI persons in the workplace.”¹⁰

According to the Human Rights House Zagreb overview of the state of human rights in Croatia for 2020¹¹, “The most common cases of discrimination against LGBTIQ persons are in the workplace and while accessing public services (primarily administrative and health services). Namely, LGBTIQ people often experience discrimination and/or violence in the workplace and/or while seeking employment, which often goes unrecognised by the employer.”

Being Trans in the EU¹², the 2014 comparative analysis of EU LGBT survey data by the

⁹ LGBTI Ravnopravnost na radnom mjestu. Retrieved January 19, 2022 <http://ravnopravnost.lgbt/>

¹⁰ LGBTI Workplace Equality, Research results, 2017. Retrieved January 19, 2022 http://ravnopravnost.lgbt/wp-content/uploads/2016/03/LGBTI-research-results_eng.pdf

¹¹ Human Rights in Croatia: Overview of 2020, Human Rights House, 2021. Retrieved January 19, 2022 https://www.kucaljudskihprava.hr/wp-content/uploads/2021/06/KLJP_GI2020_EN_PRIP_web.pdf

¹² Being Trans in the European Union, Comparative Analysis of EU LGBT survey data, European Union Agency for Fundamental Rights, 2014. Retrieved December 15th 2021

European Union Agency for Human Rights, states, "The level of perceived discrimination EU trans respondents report is alarming, especially in the area of employment. More than half of all trans respondents felt discriminated against or harassed because they were perceived as trans in the year preceding the survey." Furthermore, "Discrimination happened more often in employment than in any other area of social life covered by the survey [...] over one in three trans respondents felt discriminated against because of being trans when looking for a job (37%), and a quarter (27%) reported discrimination at work." According to the analysis, 28% of trans people in Croatia report feeling discriminated against in the last 12 months when looking for a job, while 27% report feeling discriminated against at work.

The results of A Long Way to Go for LGBTI Equality¹³, the 2020 survey by the European Union Agency for Human Rights, show that 32% intersex people in the EU report being discriminated at work.



https://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative-0_en.pdf

¹³ A long way to go for LGBTI equality, European Union Agency for Fundamental Rights, 2020. Retrieved January 19, 2022 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-1_en.pdf

3. Support and services to trans, intersex and non-binary employees and job seekers

At the national level, the Croatian Employment Service offers individual counselling sessions and consultations for job seekers, as well as a variety of group workshops for those seeking employment, ranging from tips on how to write a CV to advice on self-employment. However, none of the services offered are LGBTIQ-specific or inclusive.

In the absence of any concrete services aimed at the inclusion of LGBTIQ workers and job seekers in Croatia, the Croatian civil society has recognised the need for legal aid and counselling for these vulnerable groups. Some of the non-governmental organisations that offer this kind of free support to LGBTIQ persons who have experienced discrimination based on sexual orientation, gender identity and gender expression in the workplace and elsewhere include Iskorak¹⁴, Zagreb Pride¹⁵ and Trans Aid¹⁶ in Zagreb, and LORI¹⁷ in Rijeka. In addition to these, there is an ongoing effort to offer legal support as part of the Work Equality for All project, which includes an archive of previously answered questions¹⁸.

¹⁴ <https://www.iskorak.hr/>. Retrieved January 19, 2022

¹⁵ <https://www.zagreb-pride.net/>, <https://rozimegafon.org/>. Retrieved January 19, 2022

¹⁶ <http://transaid.hr/>. Retrieved January 19, 2022

¹⁷ <http://www.lori.hr/>. Retrieved January 19, 2022

¹⁸ <http://ravnopravnost.lgbt/category/pravno-savjetovanje/>. Retrieved January 19, 2022

4. Inclusion4All research results

According to the data from both the surveys and interviews, the vast majority of employers and human resources professionals have never knowingly encountered trans, intersex and/or non-binary people in the workplace; nearly none of them have witnessed a discriminatory incident; and even if inclusive policies exist, they do not explicitly mention trans, intersex or non-binary people. Some employers and human resources professionals are familiar with the basic concepts, but not all: intersex remains the big unknown. As a concept, sexual orientation is much more understandable than the concepts of gender identity and gender expression.

The reason for such findings can be deduced from the surveys and interviews conducted with trans, intersex and non-binary persons, who have mostly stated that they had not come out in the workplace or had come out to only some of their colleagues. Most have not experienced abuse in the workplace, in part due to the fact that they have not come out to their employers. Approximately a quarter of respondents have experienced some form of discrimination, the most common of which include discrimination based on gender expression during job interviews, misgendering and not being allowed to use the right bathroom.

4.1 Knowledge, attitudes and experiences of HR professionals

- Overall, HR professionals and employers agree that trans, intersex and non-binary workers should have the same rights as all other workers, but seeing as they lack the tools to recognise discrimination, the realisation of these rights remains tenuous.
- An interesting finding is that the ICT sector appears to be more open and people-oriented.

4.1.1 Demographics¹⁹

Of the employers and human resources professionals who have responded to the survey questionnaire (N=58), 50% are employed in national private companies, 30.6% in foreign multinational companies, 11% in state-owned companies and public bodies, and only one respondent (1.6%) is employed in a civil society organisation.

Most of the respondents work in the ICT sector (22.4%), followed by manufacturing, education, arts, entertainment and recreation, and wholesale and retail trade (8.6%), while other sectors are less represented. Interestingly, both the survey and the interviews show that the employers and employees working in the ICT sector are the most open to the issues of inclusion and diversity in the workplace. Most respondents work in the city of Zagreb (58.06%) and in cities with more than 100,000 inhabitants (17.74%).

¹⁹ The number of respondents may vary depending on the question.

4.1.2 Knowledge

The next set of questions deals with the respondents' familiarity with terminology, in order to determine whether employers and human resources professionals can distinguish between the terms crucial to this research. Several questions also refer to the national legal framework regarding the protection from discrimination based on sexual orientation and/or gender identity.

When asked about gender identity, 12 out of a total of 56 people (21.43%) who answered the question said that they did not know what gender identity meant; 34 (60.7%) answered that each person's gender identity was a deeply felt internal and individual experience of gender, which may or may not correspond to sex, and 17.8% of respondents mixed up the concepts of sexual orientation and gender expression with the concept of gender identity. Although at first glance it might seem encouraging that most respondents recognised what the correct answer was, the fact that the question is of the multiple-choice variety has to be taken into account, so more extensive research is needed in order to reach more concrete conclusions.

With the second question, the answer that the terms "sexual orientation", "gender identity" and "sex characteristics" signified different things that were not necessarily related was recognised as correct by 48.21% of respondents, and 21.43% of respondents (the same percentage as in the previous question) did not know the difference between these terms. 17.86% of respondents think that these terms are different, but closely related, while 12.5% of respondents think that these terms mean the same thing.

When questioned about the national legislation on discrimination (N=55), 67.27% of respondents said that the legislation explicitly prohibited discrimination based on sexual orientation, but it is interesting to note that nearly half of the respondents (49.09%) said that they did not know whether the legislation prohibited discrimination based on gender identity and/or gender expression, and more than half (63.64%) said they did not know whether the legislation required the employer to take action against the harassment of a trans, intersex or non-binary employee by their colleagues. We can conclude that the concept of sexual orientation is more readily recognisable than the concept of gender identity.

In addition to the above, HR professionals are much more confident in their knowledge of Croatian legislation when it comes to sexual orientation: while 67% respondents stated that discrimination based on sexual orientation was explicitly prohibited by Croatian law, as many as 49% respondents said that they did not know whether national legislation explicitly prohibited discrimination based on gender identity. This was matched by the responses given in the interviews as well.

4.1.3 Attitudes and Experiences

77.77% of respondents believe that LGBTI+ people should have the same rights as any other member of society, and 50% disagree with the statement that LGBTI+ people should keep their sexual orientation, gender identity and/or sex characteristics private. Curiously, 3.7% of respondents said that they did not know whether sexual orientation, gender identity and/or sex characteristics should remain private.

The respondents felt similarly about the prospect of interacting with trans, intersex and non-

binary employees: more than half said they would not feel uncomfortable having to deal with a trans, intersex or non-binary employee, while about a quarter said they did not know if they would feel uncomfortable.

It is indicative that half of the respondents either do not know whether their companies are doing everything they can to prevent discrimination against trans, intersex and non-binary people (25.53%) or do not have a clear idea (neither agree nor disagree)(25.53%), and the percentages are identical when it comes to the statement, "My company investigates and sanctions all cases of discrimination against trans, intersex and non-binary people reported".

Most respondents believe that there is very little to no harassment (verbal, psychological and sexual harassment and disclosure of confidential information) in their workplace, but once more there is a significant percentage (approximately 20%) of respondents stating that they do not know whether such types of abuse occur. It is possible that a large portion of these inconclusive responses has as its source the data that reveal that most respondents have never interacted or known about an employee whom they knew to be trans, intersex or non-binary, as illustrated in the charts below (N=47).

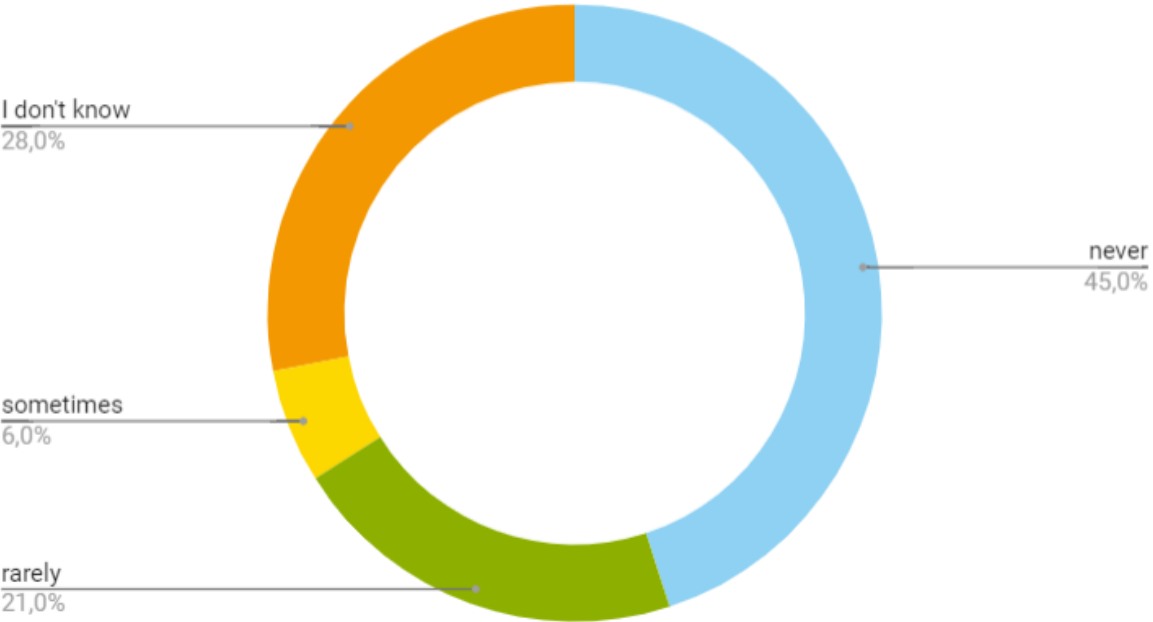


Fig. 1 How often have you had employees that you knew were trans?

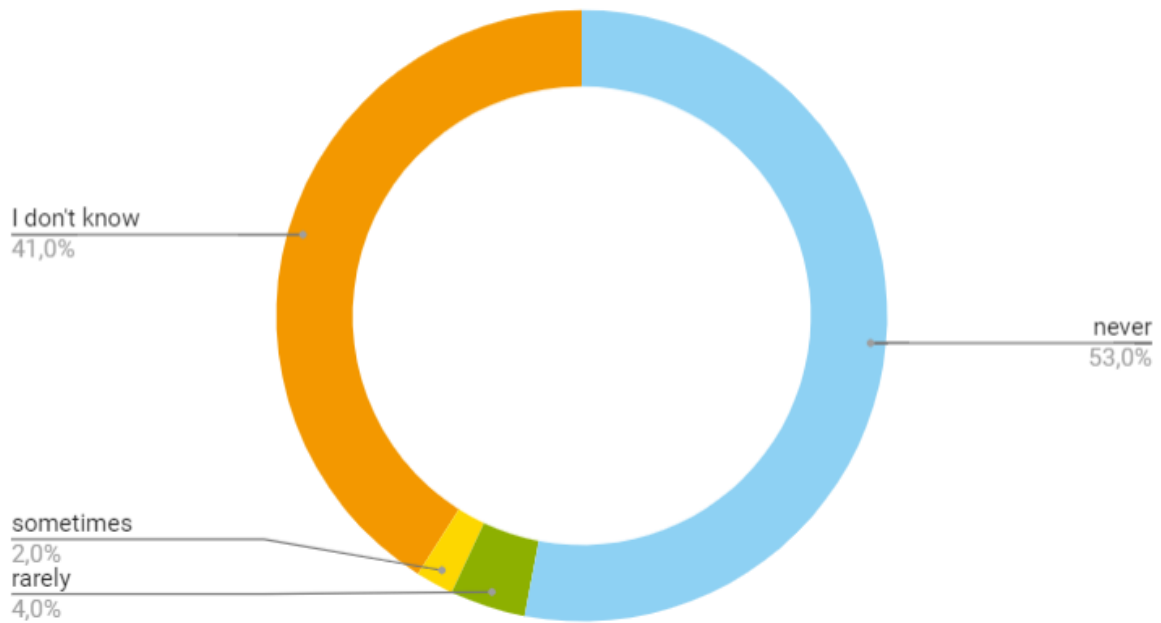


Fig. 2 How often have you had employees that you knew were intersex?

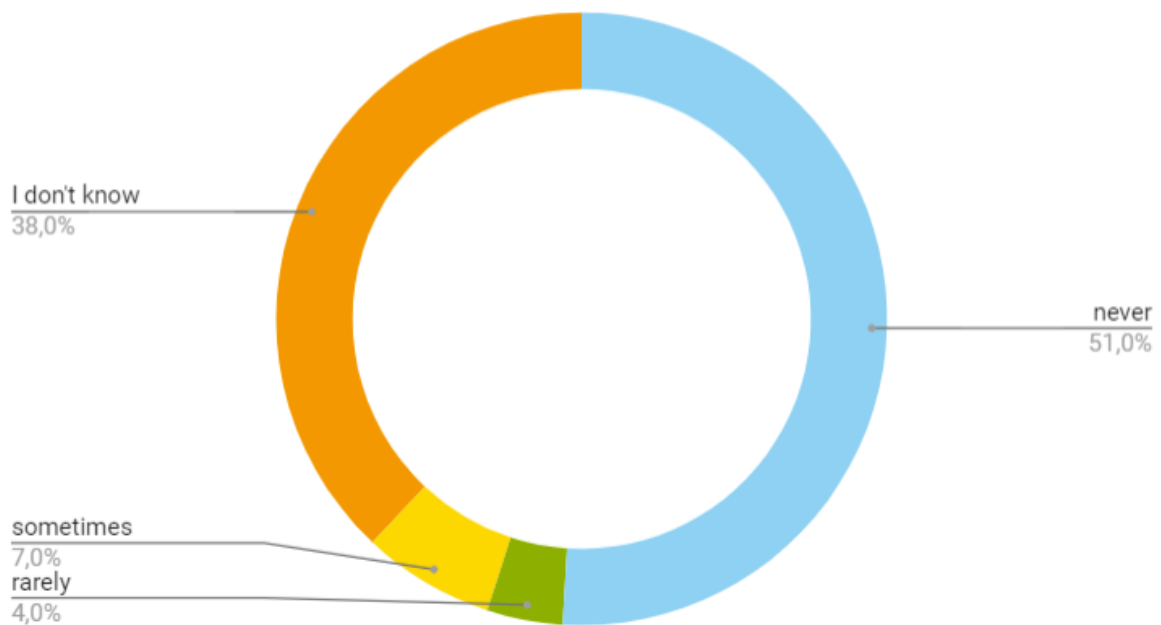


Fig. 3 How often have you had employees that you knew were non-binary?

In order to draw relevant conclusions, we first need a representative sample of respondents and a more structured questionnaire, but we can still observe a few indicative things.

Over the course of coordinating interviews and inviting employers and human resources professionals to fill in the questionnaire, we noticed that large companies, especially those operating in the ICT sector, were more open to this type of request. Given the experience we had while conducting interviews with human resources professionals, we can conclude that ICT companies in Croatia are mostly people-oriented and already have certain inclusive policies, but both the interviews and survey results point to the fact that, while HR professionals have some knowledge when it comes to sexual orientation and LGB people, they are much less familiar with the concepts of gender identity and gender expression.

"I'm not too afraid [of discrimination in the workplace] because I work in the IT sector where there is generally less discrimination on that basis." - trans woman, 28

"I believe that the environment is safer in the IT sector than, for example, in the civil service." - trans man, 29

"In our company specifically, yes, [an employee could be openly trans, intersex or non-binary] because technology-oriented companies generally base their business on innovative practices. In these three and a half years, we have not had any reports of discrimination, and we are working on a platform through which such things can be reported." - HR professional, employer brand manager

As mentioned previously, a large number of respondents who completed the survey stated that there were no trans, intersex or non-binary employees at their companies, or that they were not aware of such employees, so it follows that it would be difficult for them to answer questions related to specific situations of discrimination or abuse. For example, when asked, "What do you think prevents your employer from creating a positive work environment for trans, intersex and non-binary employees?", 35% of respondents stated that there were no trans, intersex or non-binary employees at the company, and 12.15% stated that they lacked the knowledge and skills on the topic.

4.2 Trans, intersex and non-binary people at work: experiences, practice and discrimination

- For trans, intersex and non-binary people, the realisation of their rights remains difficult for a number of reasons: in addition to the fact that the legislative framework is simply not robust enough to offer adequate protection for all, it is unclear which institutions should be addressed, while overall awareness of their own rights also needs to be improved.
- One of the major issues for trans, intersex and non-binary people at work is the fact that workplace environments are largely not welcoming enough for their workers to be openly out.

4.2.1 Demographics

Of the 96 people who completed the survey²⁰, 52.08% said that they identified as non-binary, 16.67% identified as trans men, 9.38% as trans women, and only 1.04%, i.e. a single person, said that they were intersex. Most respondents live in the country's capital, 62.1%, followed by those in large cities (more than 100,000 inhabitants) with 11.7%.

Most respondents, 42.3% of them, are between 10 and 25 years of age, followed by the 26-35 age group, which includes 33.7% of respondents. Most people who completed the survey have secondary education (41.7%), followed by 36% respondents with BAs and MAs.

More than 60% of people were employed at the time of filling out the survey, and 72.5% of them said they had some work experience.

The largest percentage of employees who responded to this question (N = 114) work in privately owned domestic companies (23%), and as many as 19% said that they were employed unofficially, without a contract.

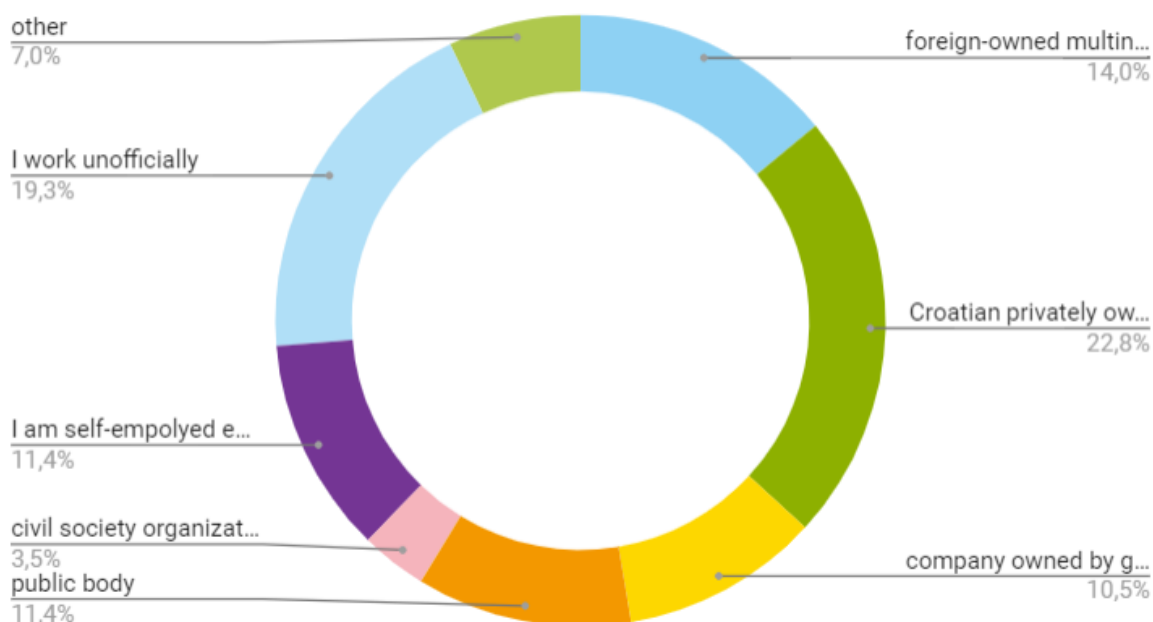


Fig. 4 What kind of company do you work for?

²⁰ The number of respondents may vary depending on the question.

44% of respondents said that they were not currently out or had not been out while working, 20% said that they were out to all their colleagues, 19% had only come out to some of their colleagues, while only 5% stated that they had come out to the management. These results correspond with the results from the survey conducted with HR professionals, a large portion of whom had either never worked with or were not aware of trans, intersex or non-binary employees at their company.

4.2.2 Experience and Discrimination

Almost 76% of all respondents said that they thought it was necessary to hide the fact that they were trans, intersex and/or non-binary while at work, of which 40% thought that was necessary very often. The results of the survey correspond with the experiences of our interviewees who had not come out in at least one of their previous workplaces, out of fear of discrimination and/or abuse.

"[I've never had problems while seeking employment due to being trans] because I've never been out, they just thought I was gay." - trans woman, 21

"I've never felt that to be an issue. They knew I was trans at one of the jobs, but it didn't cause me any problems, and they didn't know at others." - trans man, 29

"I didn't have any problems because I wouldn't come out before getting the job, precisely so I wouldn't have that problem." - trans man, 32

When it comes to experiencing discrimination and/or abuse at work, 25.8% of respondents said that their employers would not allow them to present in accordance with their gender identity often or very often, while 12.1% were not allowed to use the bathroom in accordance with their gender identity. The most common problem is misgendering, with 30.10% of respondents reporting having been misgendered by their employers often or very often, while 27.6% were misgendered by their colleagues to the same degree.

These high percentages coincide with the experiences of the trans, intersex and non-binary people we interviewed. Experiences of misgendering and humiliation based on gender identity and gender expression were mentioned most often.

"My issue was the bathroom, they would often attack me when I went to the men's bathroom." - trans man, 23

A significant percentage, 25.8%, experienced discrimination at the recruitment stage.

"I had an agreement with an employer in Pula that I would come and work at his bakery. When I showed up for work, he said, "We don't hire girls with short hair," and I was like, not only is that transphobic, it's also sexist and homophobic. That was my first such experience and I'll always remember it." - trans man, 21

"The employer turned me down on account of my "questionable appearance". I simply carried on looking for work elsewhere." - trans man, 23

"I decided to come out first thing during my interviews and ask whether that was going to be an issue, because I couldn't afford putting in the effort if I was just going to end up getting fired two months later for it." - non-binary person, 24

4.3 Inclusive actions - comparison

When we compare the results on the adoption of actions to promote diversity, we can see that they mostly coincide, except in some categories. Namely, 34% (N=25 out of 66) of HR professionals pointed out that their companies had adopted *data protection policies* to avoid *non-consensual disclosure*, while only 8% (N=7 out of 82) of trans, intersex and non-binary workers said that the same action had been adopted by their employers.

Only 1% of HR (N=1) professionals surveyed stated that their company had adopted *gender-neutral bathrooms and/or locker rooms*, and only 3% (N=2) stated that inclusive dress code policies and training initiatives were adopted on topics related to trans, intersex and non-binary diversity targeting selected professionals within the company.

4.4 Training needs

Given the results so far, it is easy to conclude that there is a great need for education in this area, but the survey results show the following: 32% of HR professionals believe that no-one within their company would be interested in such education, 17% do not know, while only 2% think that senior management would be interested in such training. All of the HR professionals we interviewed had said that they believed they needed training, and the content they were most interested in were basic concepts, legislation and gender diversity training.

"Certainly, [I would be interested in such education], I would like to gain knowledge in general about the differences, where we stand in Croatia in this area, how far we have come, how we can help these people, in the workplace in particular, whether the legislation protects such people." - HR manager of an ICT company

"It's not more about learning, it's more about getting information to understand others more, because it's all about, as I said, putting yourself in other people's shoes, and if you know how the other person is thinking, what the other person wants, how they want to be treated." - IT recruitment consultant

In the interviews, and this was also reflected in the results of the survey, some TINB people answered that they would like training in the form of education about their rights, some think that they do not need training and are not interested, and some think that training is more needed by employers because employers have very little knowledge about trans, intersex and non-binary people.

"Yes, [I'm interested in attending such training], although I think that such education is more necessary for cis and straight people; in general, what it means to be trans, etc." - **non-binary person, 22**

"No - I personally don't need it." - **trans woman, 28**

"It would be useful for me to find out what my rights are in case of discrimination, to whom I can turn, what discrimination is. Definitely, about legal protection, that's pretty important, and I know the least about it." - **trans man, 34**

Of the 54 TINB persons who answered this question, half (N=27) answered that they were interested in the training, 37% (N=20) stated that they were not interested, and 13% (N=7) answered that they did not know.

Discussion

Based on the responses obtained from the interviews and the results obtained from the surveys, we can single out a few indicative things that could be further explored in more extensive research in the future. As it stands, merely recruiting enough HR professionals proved an issue, as many refused to be interviewed for fear of tarnishing their companies' reputation, or they would insist that there was no discrimination at their workplace and leave it at that.

However, we did notice that ICT companies were more open to this type of inquiry, perhaps because such companies in Croatia are mostly foreign-owned, with a developed culture of diversity in the workplace, or young startups whose values are based on respecting diversity. We could hear similar experiences while conducting interviews with both trans, intersex and non-binary workers and HR professionals alike.

The culture of diversity, however, most often refers to sexual orientation and the LGB part of the acronym, while TIQ+ is still quite exotic, as shown by some survey results, but also answers in interviews where HR members most often mentioned employees who were gay while almost everyone said that they had no knowledge of trans, intersex or non-binary employees.

This observation is supported by the interview of a person who spent 20 years working in the field of human resources, and currently works as a diversity and inclusion champion, as she herself stated in the interview. In a large national company in which she worked for many years, she launched a diversity and inclusion strategy. However, in addition to this commendable and very rare practice in Croatia, she stated that the company's existing diversity and inclusion policies do not mention trans, intersex and/or non-binary people.

"We have gay people who are integrated and respected, I'm sure they don't feel discriminated against, but given that we are not at the level of awareness that we even know that such people exist, I don't think such a person could say out loud that they are trans, intersex and non-binary, not because the entire company is discriminatory, but because we are not yet as a society at the level of consciousness to know that there is someone who does not feel one way or another in terms of gender." - HR manager, diversity and inclusion champion

5. Conclusions and recommendations

The multifaceted issue of workplace inclusion for transgender, intersex and non-binary people, in Croatia and in general, has no easy fixes. The apparent dearth of transgender, intersex and non-binary workers is buoyed by outdated, insufficient and rigid legislation, ignorance on part of both employers (primarily of their potential employees' diversity) and job seekers (of their rights and existing protections), and a lack of firm and clear workplace policies that could stand to protect the livelihoods and dignity of transgender, intersex and non-binary people at work. This is further complicated by scarce research into the matter, particularly in the case of intersex job seekers and workers, who are not only underresearched, but also unprotected by law.

Recommendations to improve the situation include the following:

- The ground of "sex characteristics" must be added to all existing anti-discrimination legislation.
- Croatian legislation must begin to recognise the rights and needs of transgender, intersex and non-binary persons, ranging from quality health care and psychosocial services to removing legal and administrative barriers that arise for persons who are in the process of gender transition.
- It is necessary to adapt all the laws and by-laws that are insensitive to the formal change of a person's gender marker, regardless of their undergoing or having undergone gender transition, in a way that all the rights are recognised in accordance with the person's identity. This includes the ability to amend all documents issued by public authorities and other institutions, such as university diplomas and school certificates, while respecting the person's right to privacy and data protection in order to prevent discrimination based on gender identity.
- It is necessary to systematise and regulate health care for transgender, intersex and non-binary persons and to take all necessary legislative, administrative and other measures to ensure access to health services, as well as their adequacy, in particular in the process of gender transition.
- It is necessary to work on educating and sensitising trade unions and other relevant stakeholders in this area and ensuring the existence of policies and programs for the education and training of professionals.
- All segments of society need to be educated about transgender, intersex and non-binary issues, which includes implementing actions and campaigns aimed at increasing the acceptance of transgender, intersex and non-binary persons in society and the elimination of discrimination based on sex characteristics, gender identity and/or gender expression.

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